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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/572,546

04/24/2006

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TPP31798

7403

24257

7590

10/01/2008

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EXAMINER

WALTERS, JOHN DANIEL

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

10/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,546	Applicant(s) HOLGESSON, MAGNUS	
	Examiner JOHN D. WALTERS	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,7,8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7,8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1, 2, 5, 7, 8 and 10 - 12 have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 5, 7, 8 and 10 - 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "at least two of the wheels optionally are of the swivel castor wheel type". The use of the term "optionally" renders the limitation readable on any wheels. The common definition of "optionally" is not compulsory or automatic. A limitation (i.e. a caster) that is not compulsory is not a limitation, as it is not required. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 7, 8 and 10 - 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uitz (5,865,315) in view of Broadley (WO 00/51898), disclosed by

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Applicant and Dickinson (5,564,805). Uitz discloses a material transport system comprising:

- a pallet like carrying structure (Fig 7A, item 56);
- a plurality of containers (Fig, 9A, item 26);
- a lid (Fig. 7A, item 76);
- tension straps (Fig. 7A, item 84);
- a tension device being integrated into said pallet like carrying structure (Fig. 7A, un-numbered opening through which item 84 passes);
- protrusions upon a lower side of said lid intended to interact with an upper side wall edge of said containers (Figs. 9A and 9B, un-numbered outer, downwardly projecting edges of the un-numbered lid);
- said containers including a base and foldable sidewalls (Fig. 3);
- said lid configured to receive and hold the profile of the bottom of said carrying structure (Fig. 11);
- said plurality of containers in a collapsed condition, said lid and said carrying structure can be assembled as a unit (Fig. 7A).

Uitz does not make use of a wheeled style carrying structure. Broadley, however, discloses transportation means comprising:

- a carrying structure (Fig. 2, item 24);
- castor wheels (Fig. 2, item 3);
- receiving means configured to receive wheels from a second carrying structure (Fig. 2, item 25);

- said receiving means including two narrow long side channels (Fig. 2);
- channel stoppers which prevent said wheels from moving inward or outward along said channels (Fig. 2, item 25”);
- said channel stoppers being located at a position corresponding to the vertical swiveling axis of said castor wheels (Page 4, paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to combine the transportation means of Broadley with the material transportation system of Uitz in order to provide ease of movement for the system of Uitz in both a loaded and unloaded configuration. This would allow a user to move said system without the use of a fork truck or other mechanized movement/lift system.

Uitz in view of Broadley does not disclose the use of channels in a lid meant to engage wheels in a carrying structure. Dickinson, however, discloses a storage container with wheels comprising:

- a lid provided with receiving means intended to receive wheels of a second device (Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to combine the carrying structure/castor wheel interface of Uitz in view of Broadley with the teaching of the placement of the receiving means within a lid of Dickinson to allow for the combination and stacking of two or more full containers. This provides a user with an easy and reliable way to move multiple containers securely.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 5, 7, 8 and 10 - 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- McClure (5,186,330) discloses a stackable container;
- Brown et al. (5,829,595) disclose a thin sheet pallet sleeve;
- Ritter (6,024,223) discloses a storage container;
- Higgins (6,439,131) discloses a convertible highway and rail freight vehicle;
- Sullivan et al. (6,983,946) disclose a transportable container apparatus and method;
- Dubois et al. (7,066,477) disclose a transportation dolly;
- Akazawa et al. (JP 07-096943) disclose a lid and binding rod for a transportation container.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN D. WALTERS whose telephone number is (571)272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art Unit 3618

John D. Walters
Examiner
Art Unit 3618

/J. D. W./
Examiner, Art Unit 3618